

Lac qui Parle-Yellow Bank Watershed District
Special Meeting Minutes #638.1
April 24, 2023

Chairman Darrel Ellefson opened the special meeting #638.1 at 9:30 a.m. The special meeting was called to hold the final hearing for the Br 3 CD #4 Improvement project. The meeting was held in the LQP County Annex, 422 5th Avenue, Madison, MN 56256. Managers present: Chairman Darrel Ellefson, Vice-Chairman John Cornell, Secretary David Craigmile, and Treasurer Andrew Weber. Staff present: Ditch Inspector Jared Roiland, Administrator Trudy Hastad, Ditch Specialist Cindy Brehmer. Others present: Attorney John Kolb, Engineer Adam Nies, Seth Haas, Steve Haas, Tom Bornhorst, David Haas, & Sean Vaala.

Attorney Kolb reviewed the order of business being the final hearing of the Br 3 CD #4 improvement project. The hearing is held to accept the work, discuss any delays, award any damages.

Administrator Hastad verified that the official hearing notice was posted in the Western Guard & Dawson Sentinel on the weeks of March 3, March 10th, & March 17th as required by Minnesota Statute. No mailed notices were sent.

Engineer Adam Nies reported on the construction of the completed project and the finished project. Ag Tech Drainage was the contractor and his bid was \$462,081.19 with one change order in the amount of \$23,790.00 for final cost of \$485,871.19. He recommended final payment be made to the contractor in the amount of \$149,080.44.

Attorney Kolb asked for comments/questions from the Board of Managers. There were no questions. Attorney Kolb asked the Engineer if the contract was preformed as required and within the time limit. Engineer Nies responded yes to both questions.

Chairman Ellefson opened the meeting up for public comment.

Petitioner Steve Haas questioned why there was water still sitting in a big bowl with not much flow coming out. Engineer Nies asked if the pipe was maybe still frozen, but would go out after the hearing to look at the concern. Haas also mentioned that a private tile line was not hooked up. Discussion followed. Engineer Nies said the line would have to get hooked up.

Attorney Kolb asked the engineer if the system was televised from top to bottom. Attorney Nies responded the system was televised from top to bottom and the contractor was out and fixed a grade issue by the township road, and a joint separation, but the rest of the system looked good.

Attorney Kolb asked Steve Haas what section had the slow drainage and Haas responded section 15, Madison. Attorney Kolb responded there were a couple of ways to go about fixing this:

- 1) Final payment contingent upon private line hookup that was missed
- 2) Have local contractor hook up the line.

Steve Haas felt it would be faster to have a local contractor make the private line connection.

Attorney Kolb responded that the local contractor could make the connection and then the Board could award that as damages to Mr. Haas with proper documentation.

Engineer Nies said that the contractor filed a warranty bond on the work that is good for three years, so if the system isn't working correctly it is in the best interest of the contractor to do the repair or else we could call in their bond.

Renter Tom Bornhorst questioned crop damages and how it was staked. Attorney Kolb said damages are considered on land disturbed outside of the staked footprint. Mr. Bornhorst questioned why damages were paid to the landowner instead of the renter as he had the input costs. Attorney Kolb said damages are always paid to the landowner and the landowner and renter can work out their own arrangement.

Attorney Kolb asked the engineer if he had the surveyed damages. Engineer Nies reviewed the surveyed damages and based on rental rate would be paid out at \$346/acre.

Tom Bornhorst question how they come up with that rate. Engineer Nies responded based on rental rates for the area.

Attorney Kolb asked if there were any other comments? There being none, Chairman Ellefson closed the public comment portion of the hearing.

Attorney Kolb then reviewed the attached findings and order with the Board, (Exhibit A pages 1-3).

After review and discussion of the findings and order, the Chairman Ellefson called the question to adopt the findings and order and there were 4 yeas and 0 nays. Upon vote, the Chairman declared the motion passed.

The hearing adjourned at 10:15 a.m.

Darrel Ellefson, Chairman

ATTEST:

David Craigmile, Secretary